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**From:** Shah, Harry [Shah.Harry@epa.gov]  
**Sent:** 6/6/2012 6:30:20 PM  
**To:** Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Susan Spalding [Spalding.Susan@epa.gov]  
**Subject:** Fw: Draft USET & TD\*X CAFO  
**Attachments:** Draft USET - TDX CAFO - 6-6-12 - clean.docx; Draft USET - TDX CAFO - 6-6-12 - mark up.pdf

Fyi.

----- Forwarded by Harry Shah/R6/USEPA/US on 06/06/2012 01:29 PM -----

**From:** Evan Pearson/R6/USEPA/US  
**To:** mreagan@mcginnislaw.com, jdhead@fbhh.com  
**Cc:** Guy Tidmore/R6/USEPA/US@EPA, Eva Steele/R6/USEPA/US@EPA, Craig Lutz/R6/USEPA/US@EPA, Esteban Herrera/R6/USEPA/US@EPA, Mark Potts/R6/USEPA/US@EPA  
**Date:** 06/06/2012 01:24 PM  
**Subject:** Draft USET & TD\*X CAFO

Attached are two revised draft CAFOs for USET & TD\*X. The first CAFO is a clean version, and the second CAFO is a redlined/strikeout version. In addition to the changes made to Section III - Compliance Order, we added a section [Section IV.C - Paragraph 75] regarding compliance with the Benzene Waste Operation NESHAP, 40 C.F.R. Part 61, Subpart FF, and 40 C.F.R. Part 61, Subpart V (Fugitive Emission Sources). Subpart V is applicable to USET/TD\*X's operation pursuant to 40 C.F.R. § 61.240(b). We assumed that the tanks would be vented to the TOU. There were also changes made to the Stipulated Penalty section. In addition, you will notice that we deleted the requirements for a risk burn and site-specific risk assessment. A few other minor changes were made in other parts of the CAFO. In addition, we have sent a copy of the Compliance Order to TCEQ for their review and comment.

Finally, we have been instructed by our management to complete negotiations on Section III - Compliance Order, and Section IV.C - Additional Requirements by the end of June. Since we are unable to meet the week of June 11th, could you please send us your comments on Sections III and IV.C by COB Wednesday, June 13th. We will commit to having a response ready for you prior to our meeting during the week of June 18th. As previously mentioned, we would like to meet for two days during the weeks of June 18th and June 25th, so we can finalize the injunctive relief by June 29th. Please let us know your availability ASAP. Thank you.



Draft USET - TDX CAFO - 6-6-12 - ...    Draft USET - TDX CAFO - 6-6-12 - ...

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